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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/678,962	10/03/2003	John P. Duffield	VUT-011	7310

31408 7590 01/11/2006

LAW OFFICE OF JAMES TROSINO
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EXAMINER	
TRAN, LY T	

ART UNIT	PAPER NUMBER
2853	

DATE MAILED: 01/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/678,962	DUFFIELD, JOHN P.	
	Examiner	Art Unit	
	Ly T. TRAN	2853	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-36* is/are pending in the application.

4a) Of the above claim(s) *9-21 and 26-36* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8 and 22-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *11/19/04*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Claims 9-21, 26-36 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 10/6/05.

Claim Objections

2. Claims 1-8 and 22-25 are objected to because of the following informalities: there is no first ink container, so it does not make sense to have a second ink container without having a first ink container and the secondary ink container having a large enough volume to hold a sufficient amount of ink for a purge operation of at least about seven seconds, it is not clear how large is enough to hold a sufficient amount of ink for a purge operation of at least about seven seconds. Appropriate correction is required.

3. Claim 3 is objected to because of the following informalities: spelling error in line 1: "value" should be "valve"

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-5, 8 and, 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogawa et al (USPN 6,517,189).

With respect to claims 1-5, 8 and 22-25, Ogawa discloses an apparatus and a method of a printer comprising at least one print head (fig.7: element 200), a secondary ink container (209), a pressure source in fluid communication with the secondary ink container (211), a primary ink container (210) located remotely from the carriage and in fluid communication with the pressure source and which is supplies ink to the second ink container (209), a solenoid valve in fluid communication with the secondary ink container and at least one print head, the solenoid valve controlling the flow of ink between the secondary ink container and the at least one print head (40, 250).

Since Ogawa teaches the secondary ink container, it would have been obvious that the second container is large enough volume to hold a sufficient amount of ink for a purge operation of at least about seven seconds, because Applicant does not describe clearly how large is enough to hold a sufficient amount of ink for a purge operation of at least about seven seconds, so any size of ink container can be large enough volume to hold a sufficient amount of ink for a purge operation of at least about seven seconds. Furthermore, for purging operation, depend on how they want to control the volume of ink for purging so, any volume of ink can be enough to purge for seven seconds and large enough for a continuous purge. Furthermore, Applicant does not recite that what is the maximum and minimum ink level so any ink container could has a maximum and minimum ink level.

Ogawa discloses the claimed invention except for the pressure is about 5psi. It would have been obvious to one having ordinary skill in the art at the time the invention was made to has the pressure of 5 psi, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art.

5. Claims 6, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogawa et al (USPN 6,517,189) in view of Cowger et al (USPN 6,386,692).

Ogawa fails to teach the ink container has a volume that is between 10 and about 50 cubic centimeters.

Cowger teach the ink container has a volume of 30 cubic centimeters (Column 9: line 15-20).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the ink container with the volume of 30 centimeters as taught by Cowger. The motivation of doing is to reduce the frequency of replacement.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ly T. TRAN whose telephone number is 571-272-2155. The examiner can normally be reached on M-F (7:30am-5pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Meier can be reached on 571-272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LT

December 20, 2005

Stephen D. Meier
Primary Examiner